

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TESTING TECHNOLOGIES, INC.

and

MG PREP, INC.,

Plaintiffs,

v.

MO MEDIA, LLC, PAUL OWENS, and
JOHN DOES 1-10,

Defendants.

ECF

Civil Action No. 07 Civ 7360 (WHP)

DECLARATION OF PAUL OWENS

PAUL OWENS declares and says as follows:

1. I am the co-owner and officer of Mo Media LLC ("Mo Media"). I am over the age of 18 and have personal knowledge of every statement contained in this affidavit and same is true and correct.

2. I submit this declaration in support of my Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue and Alternatively to Transfer Venue Pursuant to 28 U.S.C. §1404(a). The factual statements in the accompanying motion and Memorandum of Law in support of said motion are true and correct.

3. I reside in Hardin County, Texas. My business, MoMedia, is based in Southeast Texas and all business decisions, website design, product shipments, and product support originate from Southeast Texas. Mo Media receives mail orders in Jefferson County, Texas. Mo Media conducts 96 % of its business and sales over the internet.

4. Neither Mo Media nor I have any offices or employees in any other location. I have no business associates, bank accounts, interest in real estate or any other interests in the Southern District of New York or in the northeast generally (except counsel herein). Mo Media LLC is a Texas limited liability company in good standing, which has nine (9) W-2 employees, who are responsible for generating and maintaining the content of Mo Media's website, www.mo-media.com, on which plaintiffs base their false advertising claim. Complaint Paras. 12-30.

5. I have read Plaintiffs' First Amended Complaint. The complaints made by Plaintiffs are false allegations made of websites that are operated by Mo Media or third parties and not by me personally. All of the information on Mo Media's website was developed by the company to promote the company's products. Any involvement I would have had with Mo Media's website would have been in my capacity as owner and officer of the company and on behalf of and in furtherance of company business.

6. I have never traveled to the New York or the Southern District of New York for business. In fact, I have only been to New York on one occasion for a family vacation. I have never personally sold or marketed any product in New York or purchased any periodical or other advertising within New York related to Plaintiffs' claims.

7. I do not have any inventory, distributors, employees, or offices in the Southern District of New York. In fact, I personally do not have inventory, distributors, employees, products for sale, or offices anywhere. Any inventory, distributors, employees, products for sale, or offices are those of Mo Media and not me personally.

8. Prior to being brought into this suit, I filed a defamation lawsuit in the District

Court of Hardin County, Texas, against Testing Technologies and Sean Sellinger, its owner. After filing that claim, serving Plaintiff Testing Technologies, and beginning to litigate the matter, Plaintiffs brought me into this case which is based upon the same events.

9. I have never personally transacted any business within the State of New York, except for personal consumer transactions during my one vacation.

10. I have never personally contracted to supply goods or services in the State of New York.

11. I do not have any bank accounts or other property in the State of New York.

12. I do not have a phone listing in the State of New York.

13. I do not do any public relations work in the State of New York.

14. I do not have any individuals working on my behalf permanently located in the State of New York to promote my interests.

15. To the best of my knowledge, I have not personally committed any tortious act within the State of New York.

16. To the best of my knowledge, I have not committed a tortious act outside of the State of New York which has caused injury to person or property within the State of New York.

17. I do not personally regularly conduct or solicit business or engage in any actions which are directed at the State of New York.

18. I certainly did not expect that my position as an owner and officer of Mo Media would subject me to personal litigation in the State of New York.

19. All of the alleged actions complained of by Plaintiffs are false. Even if one assumes they are true, the alleged actions would be those of the legitimate legal entity of which I am an owner and officer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2008.


PAUL OWENS